

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS N. GAER, Individually And
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

EDUCATION MANAGEMENT CORP., TODD
S. NELSON, EDWARD H. WEST, RANDALL
J. KILLEEN, JOHN R. MCKERNAN, JR.,
ADRIAN M. JONES, JEFFREY T. LEEDS,
LEO F. MULLIN, PAUL J. SALEM, PETER O.
WILDE, GOLDMAN, SACHS & CO., J.P.
MORGAN SECURITIES INC., MERRILL
LYNCH, PIERCE, FENNER & SMITH, INC.,
BARCLAYS CAPITAL INC., CREDIT SUISSE
SECURITIES (USA) LLC, MORGAN
STANLEY & CO. INC., ROBERT W. BAIRD &
CO. INC., WILLIAM BLAIR & CO., L.L.C.,
BMO CAPITAL MARKETS CORP., PIPER
JAFFRAY & CO., BARRINGTON RESEARCH
ASSOCIATES, SIGNAL HILL CAPITAL
GROUP, LLC, and STIFEL, NICOLAUS & CO.,
INC.

Defendants.

CIV. NO. 2:10-cv-01061-RCM

Filed Electronically

WAIVER OF SUMMONS AND ACCEPTANCE OF SERVICE

I, Thomas S. Jones, attorney for defendant Randall J. Killeen, hereby acknowledge and state that I waive service of summons on behalf of Defendant Killeen in this matter. I further acknowledge and state that I accept service of the Amended Class Action Complaint ("Complaint") on behalf of Defendant Killeen. Defendant Killeen will retain all defenses and objections to the lawsuit and to the jurisdiction and venue of the court, except for objections

based on a defect in the summons or in the service of the summons and Complaint.

Dated 1-25-2011

JONES DAY

A handwritten signature in black ink, appearing to read 'TSJ', with a long horizontal flourish extending to the right.

Thomas S. Jones (Pa. I.D. #71636)

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Pittsburgh, Pennsylvania 15219

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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2011, I electronically filed the foregoing Waiver of Summons and Acceptance of Service with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

/s/ Kathleen Donovan-Maher
Kathleen Donovan-Maher